

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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OSCAR URIBE,

Case No. 3:15-cv-00309-RCJ-WGC

Petitioner,

ORDER

v.

ISIDRO BACA, et al.,

Respondents.

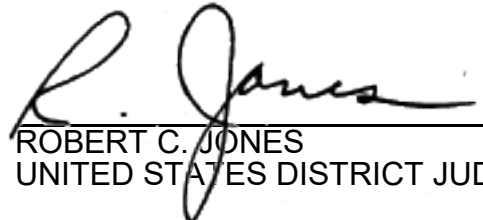
The court denied Oscar Uribe's *pro se* § 2254 habeas petition on April 29, 2021, and judgment was entered (ECF Nos. 39, 40). A copy of the order denying the petition was mailed to Uribe, but it was returned to the court on May 21, 2021, with the notation "not deliverable as addressed" (see ECF No. 41). Thereafter, Uribe filed a request for status on June 28, 2021, and, in response, this court ordered the Clerk to resend a copy of the order denying the petition to Uribe on July 1, 2021 (ECF Nos. 42, 43).

Twenty-one days later, on July 22, 2021, Uribe moved to reopen the time to file an appeal pursuant to Federal Rule of Appellate Procedure ("FRAP") 4(a)(6) (ECF No. 44). On September 7, 2021, this court granted the motion and ordered that petitioner had 14 days to file a notice of appeal from this court's April 29, 2021 order (ECF No. 39). A copy of the order granting Uribe's motion to reopen the time to file an appeal was sent to him at his address of record, but it was returned to the court on September 14, 2021, with the notation "transferred" (see ECF No. 48). Uribe has not contacted the court in any manner since that date.

1 In the meantime, Uribe had sent a motion for a certificate of appealability to the
2 Ninth Circuit, which that court stamped as received on August 3, 2021 (see ECF No.
3 45). But because Uribe had failed to file a notice of appeal, no appeal was pending
4 when the Ninth Circuit received his motion. The Ninth Circuit, therefore, forwarded the
5 motion to this court. The deadline has long passed for Uribe to file a notice of appeal.
6 As Uribe intended this motion to be filed with the court of appeals, this court directs the
7 Clerk to forward the motion at ECF No. 45 to the Ninth Circuit.

8 **IT IS THEREFORE ORDERED** that the Clerk of Court forward the motion at
9 ECF No. 45, along with a copy of this order, to the Ninth Circuit.

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12 DATED: 3 March 2022.

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15 ROBERT C. JONES
16 UNITED STATES DISTRICT JUDGE
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